

App. No.: 10/825,002
Filed: 12/27/2004
Atty Dkt: 1-0941-602cip
Amendment "B" in Response to 06/11/2007 Office
Action

Jack Hosmer Morgan Jr., Patent Examiner
Art Unit 3782
Title: SECONDARY VERTICAL LATCHING LEVER AND
SECONDARY HORIZONTAL LATCHING LEVER
HOLSTERS

REMARKS

A. Introduction

In response to the Office Action of June 11, 2007, the instant Amendment amends all of the independent claims so as to specify that the finger-engaging end of the pivotable lever is spaced below the trigger guard relative to the barrel. This limitation provides a structural element to the requirement that the pivotable lever be actuated by a finger other than the trigger finger since, as shown in Figs. 22 and 23, the trigger finger will not normally be in a position to move the pivotable lever as now claimed. This, in turn, means that movement of the pivotable lever requires a different finger action which adds to the security of the holster for certain applications, such as a pancake-type concealment holster.

B. The Rejections Pursuant to 35 U.S.C. 112

Claims 1-12 and 15 and 16 were rejected on various grounds based upon new claim language added in the last Amendment. By this Amendment, the previously added language, which formed the basis for these rejections, has been deleted. Accordingly, these rejections have been overcome.

Also, the newly added language specifies that the finger-engaging end of the pivotable lever is spaced "below the trigger guard relative to the barrel." When this spacing is employed, the trigger finger will not actuate the finger-engaging end in operation, which was what Applicants were trying to emphasize in the language now deleted, but the current language provides a definite structure. Support for the currently added language is found in the embodiments illustrated in Figures 17-23 and the written description thereof.

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C. The Double Patenting Rejection

A terminal disclaimer is attached hereto to overcome the outstanding double patenting rejection based upon Applicants' U.S. Patent No. 6,769,582.

D. The Anticipation Rejections

Claims 1, 4, 7-12 and 15 and 16 were rejected as allegedly being anticipated by Corrison. By this Amendment claims 1, 7 and 15 (and hence dependent claims 4, 8-12 and 16 which depend from said independent claims) have been amended so as to include the limitation that the finger-engaging end of the pivotable lever is spaced "below the trigger guard relative to the barrel." Corrison does not have a pivotable lever spaced below the trigger guard relative to the barrel and, instead, has a latch lever 16 shown in Figures 1 and 2 which is disengaged by a finger accessing finger piece 23 extending out from plate 8 in a direction located between the trigger guard relative to the gun handle, not the barrel. As such Corrison is dealing with an entirely different release mechanism and location that requires a completely different movement for its disengagement. Accordingly, this rejection has been overcome.

E. The Obviousness Rejections

Claims 3, 5 and 6 were the subject of obviousness rejections but all of these claims are dependent upon claim 1 while claims 13 and 14 (14 being dependent upon claim 13) were rejected as allegedly being obvious in view of Corrison in view of Von Keller et al. By this Amendment, claim 1 and claim 13 have been amended, as already noted above, to include the limitation that the finger-engaging end of the pivotable lever is spaced "below the trigger guard relative to the barrel." As already noted, Corrison does not have a pivotable lever so spaced and, in fact, the lever of Corrison is spaced in a completely different direction at an entirely different

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location that requires an entirely different action to actuate the lever. Moreover, Von Keller et al. does nothing to satisfy this deficiency (nor was it really cited for such since the rejection was prior to the newly added structural limitations) since it teaches use of scanned fingerprint information to unlock a holster, something which is entirely different that relies upon biometrics, rather than a particular mechanical motion, to unlock a holster. Accordingly, it is respectfully submitted that these rejections have been overcome.

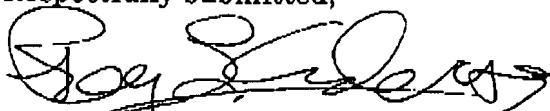
F. Conclusion

A Petition For Extension Of Time Under 37 CFR 1.136(a) along with a Credit Card Authorization Form is enclosed herewith.

Based upon the foregoing, it is respectfully submitted that the claims are now in condition for allowance. Reexamination and reconsideration are respectfully requested.

In the event that the Examiner disagrees that the claims are now in condition for allowance, the undersigned requests a telephonic interview to discuss this application.

Respectfully submitted,



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